

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

BRIAN KIRK,)
Plaintiff,)
v.)
CITY OF ST. JOSEPH, MISSOURI,)
et al.,)
Defendants.)
Case No. 5:24-cv-06023-SJ-GAF

**MOTION TO DISMISS AND MOTION TO STRIKE OF
DEFENDANTS BLEVINS AND GREIERT**

COMES NOW Defendants Josh Blevins and Steve Greiert (“Defendants”), who respectfully move for this Court to dismiss all claims against them. For the reasons stated more fully in Defendants’ Suggestion in Support of the Motion to Dismiss and Motion to Strike, Plaintiff has failed to state a claim against them upon which relief may be granted, Fed. R. Civ. P. 12(b)(6), and Plaintiff’s claims are subject to a special motion to dismiss under the Missouri anti-SLAPP statute, § 537.528, RSMo.

Defendants ask the Court to dismiss the claims against them with prejudice. Defendants request the Court consider this motion “on a priority or expedited basis to ensure the early consideration of the issues raised by the motion and to prevent the unnecessary expense of litigation.” § 537.528-1, RSMo. Defendants also request the Court suspend all discovery pending a decision on the motion by Court and the exhaustion of all appeals regarding the special motion. *Id.* Defendants further request the Court grant Defendants’ motion and award attorneys’ fees and costs incurred by Defendants as the prevailing party pursuant to § 537.528-2, RSMo. and 42 U.S.C. § 1988.

Defendants also ask the Court strike Plaintiff's request for “[r]eversion of Grace Calvary Tax Exempt status,” **Doc. 1-2 at 20**, because this requested relief is unavailable under 42 U.S.C. § 1983 and § 1988, and Grace Calvary Chapel's tax-exempt status is wholly “immaterial” and “impertinent” to this cause of action except to further demonstrate that Defendants are and were not state actors. Fed. R. Civ. P. 12(f).

Dated: March 7th, 2024

GRAVES GARRETT GREIM LLC

/s/ Katherine E. Graves

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Respectfully submitted,

ADVOCATES FOR FAITH AND
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*pro hac vice pending

CERTIFICATE OF SERVICE

I hereby certify that on March 7th, 2024, I caused the above and foregoing to be filed with the Court's electronic CM/ECF filing system, which automatically served counsel for all parties with a notice of filing the same.

/s/ Katherine E. Graves

Attorney for Defendants Josh Blevins and
Steve Greiert